

Reeta Mical and ors. Vs. Madhya Pradesh State Road Trans. Corpn. and anr.

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Court : Madhya Pradesh

Decided On : Mar-15-2001

Reported in : 2003ACJ473

Judge : Bhawani Singh, C.J. and ;Arun Mishra, J.

Appeal No. : M.A. Nos. 906 and 891 of 1996

Appellant : Reeta Mical and ors.

Respondent : Madhya Pradesh State Road Trans. Corpn. and anr.

Advocate for Def. : S.K. Rao and ; M. Subramanyam, Advs.

Advocate for Pet/Ap. : G.C. Jain, Adv.

Judgement :

Bhawani Singh, C.J.

1. Both these appeals (M.A. No. 906 of 1996: Reeta Mical v. Madhya Pradesh State Road Trans. Corporation and M.A. No. 891 of 1996: Madhya Pradesh State Road Trans. Corporation v. Reeta Mical) are proposed to be decided by common judgment since they arise out of the common award-one filed by M.P. State Road Transport Corporation against the award and the other by the claimants for enhancement of compensation.

2. Andrews Mical (deceased) was 30 years old at the time of accident. He was an electrician. He died in motor accident that took place on 7.12.1993 when the deceased was going on bicycle along with his friend Joseph from Surana Motors, Bhopal towards Bairagarh side. Bus No. CPW 6980 owned by M.P. State Road Transport Corporation coming from Bhopal side driven rashly and negligently by its driver came and hit the deceased. He fell down and sustained serious injuries including head injury. After committing the accident the driver ran away. Deceased was shifted to Hamidia Hospital, Bhopal where he died within twelve hours. Claimants are the widow and two minor daughters. They have claimed compensation of Rs. 14,00,000 for the death of deceased in the accident committed by the driver of the M.P. State Road Transport Corporation on the ground that accident was caused by the rash and negligent driving of the bus.

3. Defence of M.P. State Road Transport Corporation and its driver is that they did not cause any accident. The deceased was himself negligent which resulted in the accident.

4. Claims Tribunal on appreciation of evidence came to the conclusion that accident took place on 7.12.93 when bus CPW 6980 driven rashly and negligently hit the deceased resulting in his death. Consequently, the claimants have been held entitled to compensation of Rs. 1,85,000 with interest at the rate of 12 per cent per annum from 18.2.1994 till realisation. Parties are not satisfied with this award, therefore, it has been challenged through these appeals.

5. The learned Counsel for both sides heard, evidence perused carefully.

6. From evidence it is absolutely clear that driver of bus CPW 6980 owned by M.P. State Road Transport Corporation was responsible for causing the accident when he was driving it rashly and negligently resulting in the death of the deceased. The claimants are widow and minor daughters, therefore, they are competent to file the petition and claim compensation on the death of the deceased.

7. Next question is what can be just compensation in this case. Evidence suggests that the deceased was an electrician. He was working in Surana Motors, Bhopal apart from taking own private contracts in electric works. Of course, the claimants

have stated that the deceased was earning Rs. 4,000 to Rs. 5,000 per month, however, it appears that deceased was earning Rs. 70 per day, Rs. 2,100 per month. After deducting one-third towards the personal expenses the monthly dependency would come to Rs. 1,400 and yearly Rs. 16,800. At his age, use of multiplier of 17 would be correct instead of 15 applied by the Tribunal. Thus calculated, the compensation comes to Rs. 2,85,600. In addition to this amount, the claimants will also be entitled to Rs. 10,000 for loss of expectancy of life, Rs. 10,000 for loss of consortium, Rs. 2,000 for loss to estate and Rs. 2,000 for funeral expenses taking total compensation to Rs. 3,05,100. Compensation will carry interest at 12 per cent per annum from 18.2.1994 till realisation. Ex gratia payment of Rs. 5,000 to the claimants by M.P. State Road Transport Corporation shall not be deducted from this amount.

8. Consequently, M.A. No. 891 of 1996 (Madhya Pradesh State Road Trans. Corpn. v. Reeta Mical) is dismissed, while M.A. No. 906 of 1996 (Reeta Mical v. Madhya Pradesh State Road Trans. Corporation) is allowed to the extent aforesaid, leaving the parties to bear their own costs.

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